IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3951 of 2004

Between:

M/s. Sri Lakshmi Minerals rep. by its Prop. Smt. Swarana Latha rep. by its G.P.A. Holder, Sri G.Purushotham, S/o. G.Krishnaiah, aged about 57 years, R/o. 1-1191, Gandhinagar, Kadapa District.

..... PETITIONER

AND

1. Union of India, rep. by its Secretary, Ministry of Steel & Mines,

Government of India, New Delhi.

2. The Government of Andhra Pradesh, rep. by its Secretary,

Industries and Commerce Department, Secretariat, Hyderabad.

3. The Director, Mines & Geology, Hyderabad, BRKR Bhavan, 8th Floor,

Tank Bund Road, Hyderabad.

4. The Assistant Director of Mines and Geology, Kadapa,

Kadapa District.

5. The Mandal Revenue Officer, Vemula Mandal, Kadapa District.

6. P.Mohan Rao S/o.P.Nageshwar Rao, R/o.Ankalampeta,

Pulivendula, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or writ one in the nature of writ of Mandamus declaring the action of the Respondent No.2 in granting the Mining Lease to the 4th respondent vide G.O.Ms.No.24, Industries and Commerce (M.III) Department, dated 28-1-2004 for

Yellow Ochre in over an extent of 9.713 hectares in Sy.No.331, Gollalaguduru Village, Vemula Mandal, Kadapa District as arbitrary, illegal, unjust, violative of Article 14 and contrary to Rules and consequently call for records and set aside the same.

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondent No.1: Standing Counsel for the Central Government.

Counsel for the Respondent Nos.2 to 5: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent No.6: Mr.P.Veera Reddy.

The Court made the following :

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HONOURABLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No.3951 OF 2004

ORDER:

Heard both the learned counsel and at their request the main writ petition itself is taken up for disposal.

The petitioner herein, who is doing business in the minerals, filed the writ petition seeking writ of mandamus to declare the action of the second respondent in granting the mining lease in favour of the fourth respondent, vide G.O.Ms.No.24 Industries and Commerce (M.III) Department, dated 28.01.2004 for Yellow Ochre in over an extent of 9.713 hectares in Survey No.331 of Gollalaguduru village, Vemula Mandal, Kadapa District as arbitrary and illegal.

Several contentions have been urged across the bar on both sides. Having regard to the fact that the main revision itself is pending before the first respondent, it is not necessary to go into the merits of the case. It is also represented by the learned counsel appearing for the petitioner that the said revision is also stand posted to 23.07.2004.

In the circumstances, the writ petition is accordingly disposed of, directing the first respondent to dispose of the revision either on the same day or within one month thereafter, after giving an opportunity to both sides. It is needless to mention that the interim orders granted by this Court shall continue in operation till the disposal of the revision. No costs.

20th July, 2004.

Cs/skmr

To

1. The Secretary, Union of India, Ministry of Steel and Mines, Government of India, New Delhi.

2. The Secretary, Industries and Commerce Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

3. The Director, Mines and Geology, Hyderabad, BRKR Bhavan,

8th Floor, Tank Bund Road, Hyderabad.

4. The Assistant Director of Mines and Geology, Kadapa,

Kadapa District.

5. The Mandal Revenue Officer, Vemula Mandal, Kadapa District.

5. Two C.Cs. to the Government Pleader for Industries and

Commerce, High Court Buildings, Hyderabad. (O.U.T.)

7. Two C.D. copies.